

EXHIBIT 13

BILL DONNER
11/16/2021

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)
)
Plaintiffs,)
)
vs.) No. 20-cv-00983-TSZ
)
)
CITY OF SEATTLE,)
)
Defendant.)

ZOOM 30(b)6 Deposition Upon Oral Examination

Of

BILL DONNER - RICHMARK LABEL

CONTAINS CONFIDENTIAL PORTIONS

DATE: Tuesday, November 16, 2021

REPORTED BY: Mindy L. Suurs, CSR No. 2195

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1 for production in this case?

2 A. None.

3 Q. Who at your office was responsible for that?

4 A. The person that collected it all from every
5 source was Barry Cosme, our CFO.

6 Q. Did you receive a litigation hold notice in this
7 case?

8 MR. WEAVER: Objection.

9 A. I don't --

10 MR. WEAVER: I just want you to not talk about
11 any communications or the context of communications that --
12 you know, that we have had with you or Barry about
13 documents.

14 A. I can't answer that question.

15 BY MR. CRAMER:

16 Q. Okay. So you are refusing to answer whether you
17 received a litigation hold notice in the case?

18 A. I don't remember seeing one. But if I did, it
19 would have been passed on to Barry. He was the collection
20 point for all of it. I'm not saying it didn't come; I
21 would not have dealt with it.

22 Q. Do you know whether a litigation hold notice was
23 issued to Richmark employees telling them to hold onto
24 documents relating to CHOP?

25 A. No, I don't know. Can I ask counsel something?

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1 Or not?

2 MR. WEAVER: No.

3 A. No, okay. All right. No, we were -- we held
4 every -- nothing got thrown away. I've not been to court a
5 lot; I just know you just don't -- nothing relevant to
6 anything was thrown away. I mean whatever we stored, we
7 stored. We didn't dump anything, if that's what you're
8 asking.

9 BY MR. CRAMER:

10 Q. Do you have a cell phone?

11 A. Yes.

12 Q. What kind of cell phone do you have?

13 A. iPhone.

14 Q. Do you have it with you?

15 A. Yeah.

16 Q. Okay. Can you open your iPhone and tell me when
17 the earliest text message on your iPhone is?

18 And do you know what the messages icon looks
19 like? It's the green one with the little --

20 A. Okay. Hang on just a second. I have 10 -- there
21 are only 10 messages there. Just a second. Okay --

22 Q. And really I'm thinking if you just scroll --

23 A. The last one is 10/21, and usually I cross
24 everything off when it's done or I don't need it. So I've
25 got -- the oldest one is 10/21, and there have been some

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1 since I've been here today.

2 Q. Okay. 10/21 of '21?

3 A. Yeah.

4 Q. Of 2021? Okay.

5 A. Yeah.

6 Q. And it's my understanding that you texted with
7 people about CHOP?

8 MR. WEAVER: Objection.

9 A. I probably did with friends. I don't use --
10 rarely if ever use my texting for business. I'm not in
11 sales. I don't have a lot of people calling me. I've got
12 a couple machinery manufacturers. I don't deal with
13 salespeople. I would text friends. I had -- CHOP was on
14 the news a lot. I got a lot of phone calls from friends or
15 text messages, which I would answer. But if it was -- it
16 related to CHOP, as you saw with Malone, the e-mails that
17 you brought up -- I e-mail that stuff. I don't do business
18 texts of any consequence.

19 BY MR. CRAMER:

20 Q. But you did text with friends, family about CHOP?

21 A. Oh, yeah.

22 Q. And you then deleted those texts; is that
23 correct?

24 A. Correct. As I did all other texts.

25 Q. Were you -- did you know when you were deleting

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1 them that you were supposed to retain them for purposes of
2 the lawsuit?

3 MR. WEAVER: Objection.

4 A. Oh, no, this was all done well prior to this. I
5 delete things frequently during the day, so this -- I did
6 not go back and -- no, I did not delete anything having to
7 do with CHOP after -- after I had the messages with them.

8 The suit is long after that, so -- I think I know what
9 you're getting at, and the answer is no.

10 BY MR. CRAMER:

11 Q. But the text messages that you sent were during
12 CHOP?

13 A. Sure, yeah. I got lots of calls from people and
14 texts -- pardon me, calls, texts -- I'm old-fashioned --
15 texts from friends: What's going on up there, we saw the
16 news. I said, yeah, they're having a street fair -- just,
17 you know, it's conversational. It was not business.

18 Q. And at that point had you received a litigation
19 hold notice telling you to hold on to documents relating to
20 CHOP?

21 A. No.

22 Q. And you're confident of that?

23 A. Oh, yeah, absolutely.

24 Q. And you guys -- you filed the lawsuit while
25 CHOP -- on June -- in June 2020; correct?

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1 A. I don't remember.

2 Q. Did you file it before the park was cleared out?

3 A. I don't remember.

4 Q. Did you text with anyone about CHOP after

5 June 11th, 2020, so in the latter part of June when the

6 protest was ongoing?

7 A. Oh, absolutely. I would have friends, family
8 text me how's it going up there. I mean, again, we were --
9 we were a very big item in Seattle, and I'm in the center
10 of it, as you know where the building is.

11 Q. And you deleted those texts after -- at some
12 point?

13 A. Just like I do normally with all texts, or
14 virtually all texts.

15 Q. What type of things did you text with friends and
16 family about?

17 A. What's going on up here. How is it -- is it --
18 okay, are you worried, are people safe, what's going on, we
19 saw on the news such-and-such. I probably talked to a
20 couple people and said -- when -- that I got, you know,
21 threats. How's it going up there? Well, we let the police
22 on the roof and we got threats from it. To me, that's like
23 conversation.

24 Q. And have you taken any steps to see if any other
25 people that you texted with might have copies of those

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1 texts still?

2 A. No. I have no idea who I texted, what -- I could
3 guess. I know a number of people. What would I be asking
4 them about? It would never have occurred to me.

5 Q. Okay. So they --

6 A. -- special information. Nobody -- I mean why
7 would I save them?

8 Q. Okay. You didn't think that you needed to save
9 them?

10 A. No. There was no information in it other than
11 what was going on outside the building. Remember, I've
12 already testified or mentioned to you that nobody from the
13 City told me anything. I asked a lot, but I never got any
14 information. So what can I pass on to anybody, other than
15 I don't know what's going on. Bill, when's it going to
16 end? I don't know, they won't tell me, nobody knows.

17 Q. So you were talking a little bit ago about when
18 the police came in at 5:00 a.m. to clear out the area, and
19 that was the day -- you continued to work that day; right?
20 The office didn't close down?

21 A. Some of us get there very early, as I mentioned
22 before, staggered times depending on when people come in.
23 There were several of us -- the exact number I can't tell
24 you -- that were in the building. We started to do what we
25 normally did, and then another person -- one person walked

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1 REPORTER'S CERTIFICATE
2

3 I, Mindy L. Suurs, the undersigned Certified Court
4 Reporter, pursuant to RCW 5.28.010, authorized to
5 administer oaths and affirmations in and for the State of
6 Washington, do hereby certify:

7 That the foregoing testimony of BILL DONNER was given
8 before me at the time and place stated therein and
9 thereafter was transcribed under my direction;

10 That the sworn testimony and/or proceedings were by me
11 stenographically recorded and transcribed under my
12 supervision, to the best of my ability;

13 That the foregoing transcript contains a full, true,
14 and accurate record of all the sworn testimony and/or
15 proceedings given and occurring at the time and place
16 stated in the transcript;

17 That the witness, before examination, was by me duly
18 sworn to testify the truth, the whole truth, and nothing
19 but the truth;

20 That I am not a relative, employee, attorney, or
21 counsel of any party to this action or relative or employee
22 of any such attorney or counsel and that I am not
23 financially interested in the said action or the outcome
24 thereof;

25 DATE: November 23, 2021

Mindy L. Suurs

Mindy L. Suurs
Certified Court Reporter #2195

